

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD GRENFELL,	:	CIVIL ACTION NO.: 3:18-CV-1657
	:	
Plaintiff,	:	
	:	(Chief Magistrate Judge Schwab)
v.	:	
	:	
LACKAWANNA COUNTY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

June 25, 2020

We are in receipt of the defendants’ motion for sanctions wherein the defendants move pursuant to Fed. R. Civ. P. 11 seeking as sanctions an order striking the complaint of the plaintiff, Richard Grenfell (“Grenfell”), entering judgment for the defendants, and awarding a monetary sanction on Grenfell equal to the defendants’ fees. *Doc. 21* at 13. “Rule 11 authorizes imposition of sanctions upon the signer of any pleading, motion, or other paper that was presented for an improper purpose.” *Zion v. Nassan*, 727 F. Supp. 2d 388, 408 (W.D. Pa. 2010) (citing *Landon v. Hunt*, 938 F.2d 450, 452 (3d Cir. 1991)). “Rule 11 sanctions are based on ‘an objective standard of reasonableness under the circumstances.’” *Id.* (quoting *Mary Ann Pensiero, Inc. v. Lingle*, 847 F.2d 90, 94 (3d Cir. 1988)). Thus, “[b]ad faith is not required” to impose sanctions under Rule 11. *Id.* at 409 (citing *Landon*, 938 F.2d at 453 n.3) (other citations omitted). But

the “district court must exercise discretion and sound judgment” in considering sanctions since “Rule 11 is intended only for exceptional circumstances.” *Id.* (quoting *Eavenson, Auchmuty & Greenwald v. Holtzman*, 775 F.2d 535, 540 (3d Cir. 1985); *Gaiardo v. Ethyl Corp.*, 835 F.2d 479, 483 (3d Cir. 1987)).

Upon consideration of the defendants’ motion and briefs, *docs. 21, 22, 25*, and Grenfell’s brief, *doc. 23*, as well as oral arguments on this issue, we cannot say at this pre-discovery juncture that Grenfell’s filings are objectively unreasonable, especially since Grenfell’s claim survived the defendants’ motion to dismiss. *See doc. 14*. Thus, **IT IS ORDERED** that the defendants’ motion for sanctions, *doc. 21*, is **DENIED WITHOUT PREJUDICE** pending the conduction and results of discovery.

*S/Susan E. Schwab*

Susan E. Schwab

United States Magistrate Judge